IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24156 of 2004

Between:

1. P.R. Chenga Reddy, S/o late Ramaswami Reddy,

Hindu, aged about 57 years, R/o. Krishnapuram,

Doravarisatram Mandal, Nellore District.

2. P.Leelamma, W/o. P.R. Chenga Reddy, Hindu,

aged about 50 years,R/o. Krishnapuram,

Doravarisatram Mandal, Nellore District.

... PETITIONERS

AND

1. The District Collector, Nellore District.
2. The Revenue Divisional Officer, Guduru, Nellore District.
3. The Mandal Revenue Officer, Doravarisatram Mandal,

Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of

Mandamus declaring that the provisions of A.P. Assigned Lands (POT) Act 9 of 1977 has no application to the lands in an extent of Ac.12-50 cents in Sy.Nos.526/2, 526/3 and 526/4 of Yekollu Village, Doravarisatram Mandal, Nellore District for resuming the lands purchased by the petitioners from Sriharikota Repatriates (Evacuees) and consequently declare the action of the 3rd respondent in issuing the successive notices for resuming the lands is highly arbitrary, unjust and opposed to the principles of natural justice and the rights to property guaranteed under Article 300(A) of the Constitution of India.

Counsel for the Petitioners: MRP.RAJASEKHAR

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the third respondent in issuing the successive notices for resuming the lands in an extent of Ac.12.50 cents in Sy.Nos.526/2, 526/3 and 526/4 of Yekollu Village, Dorvaraisatram Mandal, Nellore District as arbitrary and illegal.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Petitioners claim that they are the absolute owners and possessors of the land in an extent of Ac.14.00 cents in Sy.Nos.526/2, 526/3, 526/4 and 526/5 of Yekollu Village, Doravarisatram Mandal, Nellore District. It is the case of the petitioners that they purchased the said land from one Gonepalli Krishnaiah, Gonepalli Mallikarjun, Shaik Mahaboob and two others under different registered sale deeds. While so, it is alleged that the third respondent herein issued a notice on 19-07-1990 to the first petitioner for resumption of the land under the provisions of the A.P. Assigned Lands (POT) Act 9 of 1977 (for short 'the Act'). Thereafter, the petitioners approached this Court in W.P.No.10479 of 1990, which was disposed of directing the petitioners to approach the Revenue Divisional Officer and to main status quo. When the petitioners approached the second respondent, by an order dated 30-03-2002, while setting aside the resumption orders of the Mandal Revenue Officer, the second respondent held that the assignees are very much entitled for the right of alienation

of assigned lands granted under G.O.Ms.No.1024, Industries & Commerce Department dated 02-11-1970. Thereafter, petitioners were also issued pattadar passbooks and title deeds under the provisions of A.P. Pattadar Pass Books Act, on 19-08-2002.

3. While things stood thus, third respondent issued a notice dated 02-12-2004 in Rc.No.B.596/2004 alleging that the first petitioner has occupied Ac.12.50 cents of land in Sy.Nos.526/2, 526/3 and 526/4 of Yekollu village and directed him to appear on 06-12-2004 along with documentary evidence, failing which the land would be resumed. The petitioner approached the third respondent on 06-12-2004 and submitted his explanation duly enclosing the documentary evidence as to his title and possession. It is alleged that the third respondent failed to consider the case of the petitioner in proper perspective. It is further stated that the explanation submitted by the petitioner on 06-12-2004, has so far, not been considered by the third respondent.

4. If that be the case, I deem it appropriate to dispose of the writ petition with a direction to the third respondent to consider the representation of the petitioner dated 06-12-2004 and pass appropriate orders, thereon, expeditiously. Till passing such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 23, 2004

MRR / TVK

To:

1. The District Collector, Nellore District.
2. The Revenue Divisional Officer, Guduru, Nellore District.
3. The Mandal Revenue Officer, Doravarisatram Mandal,

Nellore District.

4. Two C.C. s to the G.P. for Assignment, High Court Buildings,

Hyderabad (OUT)

5. Two C.D. Copies.

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